

March 2, 1999

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL.

SUBJECT: Department of Development and Environmental Services File No. **L98P0024**

THE BLUFF AT REDONDO

Preliminary Plat Application

Location: Between 13th Avenue South and 16th Avenue South, and South 276th Place and South 279th Street
Property: Brooks Powell
Owner: Powell Home Builders
P.O. Box 98309
Des Moines, WA 98198
Applicant: Brooks Powell

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary: Approve, subject to conditions
Department's Final: Approve, subject to conditions
Examiner: Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted: July 7, 1998
Complete application: August 6, 1998

EXAMINER PROCEEDINGS:

Hearing Opened: February 23, 1999
Hearing Closed: February 23, 1999
Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

Wetlands	Traffic distribution
Surface water conveyance	Traffic safety
Surface water detention	Density (subdivisions)
Surface water drainage	School walking conditions

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner/Developer:	Brooks Powell
	Powell Home Builders

Engineer:	P.O. Box 98309 Des Moines, WA 98198 Jeff Dye Duncanson Company, Inc. 14212 Ambaum Blvd. SW, Suite 301 Seattle, WA 98166
Location:	Between 13th Avenue South and 16th Avenue South, and South 276th Place and South 279th Street
STR:	32-22-04
Zoning:	R6 (6 units/acre)
Acreage:	6.78
Number of Lots:	30
Density:	4.42. units/acre
Typical Lot Size:	Ranges from approximately 5,039 to 10,883 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	Lakehaven Utility District
Water Supply:	Lakehaven Utility District
Fire District:	Federal Way
School District:	Federal Way
Complete Application Date:	August 6, 1998

2. **Proposal.** Powell Home Builders (the "applicant") proposes to subdivide 30 single-family residential building lots on an urban R6 classified property of 6.78 acres. The proposal includes at least 1,170 square feet of recreation space. Proposed lot sizes range from approximately 5,039 square feet to 10,883 square feet. An illustration of the proposal is appended as "Attachment 1" to the Preliminary Report to the Hearing Examiner dated February 23, 1999, prepared by the Department of Development and Environmental Services (the "Department", or "DDES"). In addition, the preliminary plat drawing is contained in the hearing record as Exhibit No. 7.
3. **Department Recommendation.** The Department recommends granting preliminary approval to The Bluff at Redondo, subject to the 16 conditions of final plat approval stated on pages 6 through 9 of the Department's Preliminary Report to the Hearing Examiner (Exhibit No. 2). The Department's final recommendation remains the same.
4. **Applicant's Position.** The applicant accepts the Department's final recommendation, as described in Finding No. 3, above.
5. **Public Concerns.** The following findings are relevant to concerns raised by neighboring property owners who participated in the hearing:
 - a. **Drainage.** Having reviewed the applicant's conceptual drainage plan, the Department's Engineering Review Unit concludes that the proposal may slightly diminish drainage problems experienced by the subject property and abutting properties. This is due to the fact that the conceptual drainage plan will split drainage discharges so that approximately half flows northward and the other half southward. In addition, the installed drainage plan will eliminate presently-existing standing water problem areas on the property. Additional special drainage control conditions are stated on pages 6 and 7 of the Department's Preliminary Report (Exhibit No. 2) as Condition Nos. 7a through 7g.

Although the homeowners' association will own the two drainage tracts that will abut 13th Avenue South right-of-way, pursuant to Recommended Condition No. 7e, King County will assume maintenance responsibility. The drainage facilities will be required to mimic the peak storm discharges from the property experienced during *pre-development conditions* for the two and 10-year peak storm events. In addition, the drainage retention/detention ponds must be sized 30% larger than necessary to meet the design standard for the two and 10-year storm events in order to provide a safety factor. Due to natural off-site drainage patterns, the proposed development will have no effect upon Hylebos Creek.

- b. **Wetland Delineation.** Due to the standing water problems on the subject property, the Department initially held the same concerns as some neighboring property owners regarding whether the wetland delineation as shown in Exhibit No. 7 was accurate. Considering the three criteria by which wetlands are evaluated (hydrology, vegetation, and presence of hydric soils), the Department determined that the applicant's wetland delineation was indeed correct.
- c. **Traffic.** Neighboring property owners express concern regarding traffic movement in the neighborhood, particularly at the 279th/Pacific Highway intersection. This "three-way" intersection involving a major regional arterial (principal arterial, in King County Department of Transportation parlance), requires tight turning movements into fast traffic with no signalization. Neighboring property owners regard this intersection as highly unsafe. They doubt the wisdom of any suggestion that a new resident of The Bluff at Redondo would use that intersection. This question is critical because the answer determines whether a traffic study should be required or not. Typically, a traffic study is required of a new development when it may be expected that the development will generate at least 30 peak direction peak hour trips through a critical intersection. In this case, the intersection of concern is located northward from the 13th Avenue South entrance to The Bluff at Redondo. The Department assumes that at least one leaving/returning vehicle will have as its origin/destination some location south of the 16th Avenue South/Pacific Highway South intersection. Federal Way, Fife, Auburn and Tacoma suggest some of the possibilities. On this basis, the Department required no traffic study for this project. Regarding improvements to 13th Avenue South, by which The Bluff at Redondo residents will obtain access, the applicant will be required to provide curb, gutter and sidewalk along the 13th Avenue South frontage. In addition, the applicant will be required to structurally taper 13th Avenue South as it proceeds southward from the subject property, in order to optimize traffic flow (inasmuch as 13th Avenue South narrows considerably at that location). A short subdivision abutting the south boundary of The Bluff at Redondo will also be required to provide 13th Avenue South frontage improvements along the east boundary of that street.
- d. **Density.** By extant neighborhood standards, most of the proposed lots will be narrow (50 feet wide). The lot widths of the northerly abutting subdivision of Redondo Riviera are at least 19 to 20 feet wider. The southerly abutting subdivision of Redondo on the Highway contains lots having 60-foot widths. The abutting existing Redondo Riviera lots comprise approximately 7,200 square feet, whereas proposed The Bluff at Redondo lots along that same boundary will comprise approximately 7,350 square feet. Although The Bluff at

Redondo lots are more narrow than Redondo Riviera lots along that boundary, they are larger because they are deeper, exceeding the Redondo Riviera lot lengths by approximately 44 feet each.

The R6 zoning classification implements the State Growth Management Act and the King County Comprehensive Plan by providing residential density in areas designated *urban*. The implementation of these laws and plans has resulted in zoning codes which not only limit the density of proposed building lots but also *mandate minimum densities*. Having reviewed the density concerns raised by neighboring property owners in conjunction with the applicable statute, ordinance, and policy, the Department finds The Bluff at Redondo in full compliance with all applicable density standards.

- e. **Student Pedestrian Safety.** All students at all grade levels will be picked up by bus at the frontage sidewalk to be installed by the applicant along 13th Avenue South.
 - f. **Fire Service.** One neighboring property owner expressed concern as to whether the 90-foot diameter cul-de-sac turnaround bulb would be sufficient to accommodate fire trucks. The Department responds that the King County Road Standards (KCRS), upon which the street design is based, specifically considered the design characteristics of fire trucks, and that the turnaround bulb design standards precisely respond to fire vehicle requirements.
6. **Department Report Adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated February 23, 1999 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

- 1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Land Use Services Division, it is concluded that approval of this subdivision as recommended below would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of this action.
- 2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Federal Way Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
- 3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
- 4. The conditions recommended in the Land Use Services Division's Preliminary Report as amended below are in the public interest and are reasonable requirements.

DECISION:

Preliminary approval to the proposed plat of THE BLUFF AT REDONDO is GRANTED; *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density of the R6 zone classification. All lots shall meet the minimum dimensional requirements of the R6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat that do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building

permit and shall comply with plans on file."

d. Core Requirement No. 1: Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water within the project (see SWM variance file L98V0121). The conditions for variance approval shall be satisfied during design and review of the project engineering plans.

Three different subbasins are located within the property. As noted in the SWM variance, two separate runoff control facilities (located in Tracts A and B as shown on Attachment 1) will be required for drainage plan approval.

e. Core Requirement No. 3: Runoff Control.

Stormwater runoff control shall be provided using standard detention design criteria outlined in the 1990 King County Surface Water Design Manual (KCSWDM). Biofiltration of stormwater is also required for water quality enhancement. The size of the proposed stormwater tracts may have to increase to accommodate the required detention storage volumes and biofiltration facilities. As specified in section 4.5 of the 1990 KCSWDM, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

The applicant will provide a portion of the required recreation space within the stormwater tracts as permitted in KCC 21A.14.180. The stormwater tracts will be in undivided ownership of the homeowners, and a homeowner's association or other workable organization shall be established to the satisfaction of DDES for maintenance of the recreation facilities and associated landscaping, as well as onsite sensitive areas. An access easement shall be provided to King County for maintenance of the stormwater facilities. The tot/child play facilities required by KCC 21A.14.190 shall not be placed within the stormwater tracts, but shall be included in a separate onsite recreational tract. (Also see Condition 13 below.)

f. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the 1990 KCSWDM and determine if a wet pond is required. Page 5 of the King County Sensitive Areas Folio identifies a Class 2 stream and wetland located within one mile of the project; therefore, if the amount of impervious surface subject to vehicular use exceeds one acre, a wet pond will be required.

g. Special Requirement No. 9: 100-year Floodplain.

Because a Class 3 wetland is located on the property, a floodplain analysis shall be performed. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS), including the following requirements:

- a. 13th Avenue South shall be improved as an urban subcollector requiring sidewalks on both sides of the street. South 277th Place shall be improved as an urban subaccess street.
 - b. Off-site road improvements on 13th Avenue South to the south of the proposed development are required. Unless otherwise approved by DDES, the applicant shall provide for removal of the temporary cul-de-sac, replacement of the sidewalk, and a tapered narrowing of the transition to the half street on a 25:1 basis.
 - c. 12 feet of right-of-way shall be dedicated along 16th Avenue South to provide 42 feet from centerline. No improvements are required on 16th Avenue South.
 - d. The proposed off-site road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in Section 4.01F, full-width pavement overlay is required when widening existing asphalt.
 - e. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - f. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
9. Preliminary plat review has identified the following specific sensitive area requirements which apply to this project. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24, and with the specific requirements listed below:
 - a. The Class 3 wetland located in Tract C shall have a 25-foot buffer of undisturbed vegetation as measured from the wetland edge. Buffer averaging is acceptable so long as the provisions of KCC 21A.24.320B are satisfied.
 - b. The wetland and buffer area shall be placed in a Sensitive Area Tract (SAT), and shall be recorded on all documents of title of record for all affected lots.
 - c. A minimum 15-foot building setback line shall be established from the outer edge of the SAT.
 - d. Prior to commencing construction activities on the site, the applicant shall mark the SAT in a highly visible manner, and this area must remain so marked until all development activities in the vicinity of the sensitive areas are completed.
 - e. Prior to final approval of construction activities on the site, the SAT shall be delineated and permanently signed in accordance with KC 21A.24.160. The sign details shall be shown on the engineering plans.
 - f. Prior to final recording, the engineering plans shall be submitted to the DDES sensitive areas group for review and approval.
10. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND
SENSITIVE AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid;" if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
13. Suitable recreation space and facilities shall be provided consistent with the requirements of KCC 21A.14.180 and 190. Pursuant to KCC 21A.14.180, the applicant is required to provide a minimum of 11,700 s.f. of onsite recreation space. Of this amount, 5,290 s.f. of recreation space will be provided within a separate tract as shown in Attachment 1, with access from South 277th Place. The two stormwater tracts (Tracts A and B) will be enhanced for passive recreational opportunities pursuant to 21A.14.180D., and will be credited for the remaining required 6,410 s.f. of recreation space. A recreation and landscape plan, which shall include a tot/child play area (minimum 400 s.f.) located in the separate recreation tract, shall be reviewed and approved by DDES and the King County Parks Division prior to engineering plan approval.
14. A homeowners' association or other workable organization shall be established to the satisfaction of DDES to provide continued ownership of the stormwater tracts, recreation facilities and recreation tract, and sensitive areas tract; and maintenance of the recreation

facilities and associated landscaping, street trees, and sensitive areas tract.

15. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 12532, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the subdivision shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
16. As requested by the King County Metro Transit Division, a pedestrian easement approximately 7 feet wide shall extend from the cul-de-sac bulb across Lots 13 and/or 14 to 16th Avenue South, in order to provide access to transit services located at the intersection of Pacific Highway South and 16th Avenue South.

ORDERED this 2nd day of March, 1999.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 2nd day of March, 1999, to the following parties and interested persons:

Bellevue Regional Library	Claudia & James Keys	Mark Bergam
Tony & Shirley Best	King Conservation District	Greg Borba
Jess Carterman	Linda Matlock	Kim Claussen
Gretchen Collins	Jim & Jean McCann	Nick Gillen
Roger Dorstad	Richard Mitchell	Gary Kriedt
Harold Duncanson	Eleanor Moon	Kristen Langley
Jeff Dye	Dan Novak	Aileen McManus
Weldon & Carolyn Emerson	Gregory Pinches	Jackie Reid
Diane & Charles Feske	Brooks Powell	Carol Rogers
Herb L. Floch	Robert Ruth	Steven C. Townsend
Gary & Irene Gregory	Seattle-King Co. Health Dept.	Larry West
James J. Keep III	Keri Akers	Caroline Whalen

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